



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,277	07/09/2001	Osamu Nagata	7217/64520	7556

7590 07/29/2005
COOPER & DUNHAM LLP
1185 Avenue of the Americas
New York, NY 10036

EXAMINER

PSITOS, ARISTOTELIS M

ART UNIT	PAPER NUMBER
----------	--------------

2653

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/901,277	NAGATA ET AL	
	Examiner	Art Unit	
	Aristotelis M. Psitos	2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/2/05 & 5/27/05.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/27/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2653

DETAILED ACTION

Applicant responses of 5/27/05 and 5/2/05 have been considered with the following results.

Information Disclosure Statement

The IDS of 5/27/05 has been received. No copies of the foreign documents have been submitted. The examiner is not certain if these documents have been cited in any co-pending applications, and hence these documents (at this time juncture) HAVE NOT BEEN REVIEWED.

Specification

The examiner cannot readily ascertain the support for the claimed limitations as now presented with respect to the newly added managing functioning. The examiner respectfully requests applicant's cooperation in identifying such. If such language does not exist, then the examiner requests applicant to: a) introduce such into the specification as required by 37 CFR 1.75 (d) (1), and b) present information as to why such is not new matter. At this time the examiner does not believe such amendments to the claim is new matter, however, appropriate response hereto is respectfully requested.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Art Unit: 2653

1. Claim 1 is rejected under 35 U.S.C. 103(a) as being obvious over Utsumi further considered with Matsumoto et al.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

The following analysis is made:

Claim 1

6631100

A recording medium having an
area in which a plurality of programs are managed into a
plurality of groups and recorded in this form, comprising:

see abstract:

area inherently present
toc area for instance,

a medium name recording area having a recording medium name
recorded thereon for identifying the recording medium,

see abstract, with respect to
medium name see disc name
designation in u-toc area in fig. 5

a program recording area having the plurality of programs
recorded thereon;

remaining area of disc

a first management data area having first
management data recorded thereon

table of contents

Art Unit: 2653

for managing the plurality of programs;

link information

and

a second management data area having second management data recorded thereon for managing partitioning information relating range information of program numbers and group names, and

program names present

see secondary reference

separating information for separating the program names and the group names,

see col. 12 lines 9-57

In the above interpretation of the claimed elements, the examiner concludes that the ability of having "partitioning information" (i.e. the disclosed " // ") is not specifically mentioned/disclosed in the above reference. Nevertheless the reference does provide for partitioning character although specified for separating "title",

Matsumoto et al discloses in this environment the ability of having a plurality of Separating characters for their inherent function of delimiting strings of information/data.

It would have been obvious to modify the base system of Utsumi with the above ability of Having partitioning data to also provide such a separation for partitioning the numbers, names, etc. so as to properly identify each grouping and start and end track #.

Response to Arguments

Applicant's arguments with respect to the claim have been considered but are moot in view of the new ground(s) of rejection. In addition, as interpreted by the examiner, the claim is drawn to a product – and hence any functionality – "for managing" is considered a desired result of the information inscribed on the record itself upon use in a playback device. Such capabilities are considered to follow upon playback.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kurakake et al further considered with Matsumoto et al.

The following analysis is made:

Art Unit: 2653

Claim 1

5808223

A recording medium having an

see abstract: also

area in which a plurality of programs are managed into a plurality of groups and recorded in this form, comprising:

col. 4, lines 58-63, record present
see col. 1 lines 35-40 for instance,a medium name recording area having a recording medium name
recorded thereon for identifying the recording medium,see col 1 lines 35-40, name
of singer, or author in trunk
chunk TC (col. 6 lines 55-57)a program recording area having the plurality of programs
recorded thereon;

remaining area of disc

a first management data area having first
management data recorded thereon
for managing the plurality of programs;
andsearching ability
col. 1 lines 35-40a second management data area having second
management data recorded thereon for managing
partitioning information relating range information
of program numbers and group names, andprogram names present,
see col. 11 lines 50+

See secondary reference

separating information for separating each group name
and the group names,see fig. 7a, col. 8, lines
28,

In the above analysis, the examiner interprets the "7" as the partitioning information which permits the system to group designated data fields together, in fig. 7a, this is the program time data and the additional text event data. Nevertheless, such partitioning permits a beginning program number, the TL1 in fig. 7a and the ending program number, TL4 in fig. 7a to be properly identified for each group.

Matsumoto et al further teaches in this environment the ability of using special characters, for limiting/delimiting character strings.

It would have been obvious to modify the base system of Kurakake et al with the above teaching from Matsumoto et al, motivation is to have appropriate partitioning information (characters) used for their inherent ability in the various character strings. Such use permits easier functioning of any hardware reading the record medium.

Art Unit: 2653

Response to Arguments

Applicant's arguments with respect to the claim have been considered but are moot in view of the new ground(s) of rejection. In addition, as interpreted by the examiner, the claim is drawn to a product – and hence any functionality – “for managing” is considered a desired result of the information inscribed on the record itself upon use in a playback device. Such capabilities are considered to follow upon playback

3. Claim 1 is rejected under 35 U.S.C. 102 (e) or alternatively under 35 USC 103(a) as being unpatentable over Matsumoto et al further considered with either Ando or Aramaki.

The following analysis is made:

Claim 1	6462263
A recording medium having an	see abstract: also
area in which a plurality of programs are managed into a	Col. 1 lines 5-12.
plurality of groups and recorded in this form, comprising:	pl. programs are
	each of the music names
a medium name recording area having a recording medium name	col 2 line 45 to col. 3 line 10
recorded thereon for identifying the recording medium,	names of music,singer,program
a program recording area having the plurality of programs	remaining area of disc
recorded thereon;	
a first management data area having first	searching ability by
management data recorded thereon	col. 1 lines 15-39
for managing the plurality of programs;	
and	
a second management data area having second	see description of fig. 1
management data recorded thereon for managing	
partitioning information relating range information of program	
numbers and group names, and separating information for	col. 3 lines 5-9
separating each group name formed of program numbers	

Under 102 considerations, the examiner interprets the overall ability of Matsumoto et al

Not only as analyzed above, but also as providing for delimiting, separation strings of character

Information in this environment. Obviously, as noted in figure 1, track #s, are provided. The examiner

Art Unit: 2653

Concludes that a starting and ending address information (range information) is inherently provided
For as well. Hence the claim is anticipated.

In the above analysis, the record medium described has appropriate attribute information,
name of disc, artist, music, tracks, etc. described with respect to figure 1, col. 1 line 48 to col. 2 line 2.

The reference also discloses the use of delimiters – col. 3 lines 5-9 which perform the ability
to partition each of the groups appropriately so that beginning and ending program numbers, track
numbers are properly identified.

If applicant can convince the examiner that such range information is not inherently present,
Then under 103 considerations, the examiner further relies upon either Ando et al – see his partition
Descriptor in figure 12a , element 450 which identifies the size (range) of each partition, or alternatively
Aramaki – see figure 7 for instance, start and end address

It would have been obvious to modify the base system of Matsumoto et al with the additional
teaching from either of the secondary references, motivation is to provide for the delimiting of
appropriate character strings relied upon for managing the disc upon use in a hardware device.

Response to Arguments

Applicant's arguments with respect to the claim have been considered but are moot in view of the
new ground(s) of rejection. In addition, as interpreted by the examiner, the claim is drawn to a
product – and hence any functionality – “for managing” is considered a desired result of the
information inscribed on the record itself upon use in a playback device. Such capabilities are
considered to follow upon playback

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in
public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise
extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple
assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759
F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982);
In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163
USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome
an actual or provisional rejection based on a nonstatutory double patenting ground provided the
conflicting application or patent is shown to be commonly owned with this application. See 37
CFR 1.130(b).

Art Unit: 2653

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1. Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 4/1 & 3/1 of U.S. Patent No. 6,580,679 in view of Matsumoto et al. The following analysis is made:

Claim 1	6580679
A recording medium having an	claim 1 line 1
area in which a plurality of programs are managed into a plurality of groups and recorded in this form, comprising:	inherently present
a medium name recording area having a recording medium name	claim 2 entirely
recorded thereon for identifying the recording medium,	
a program recording area having the plurality of programs recorded thereon;	claim 1 line 3
a first management data area having first management data recorded thereon for managing the plurality of programs;	claim 1 lines 4-8
and	
a second management data area having second management data recorded thereon for managing partitioning information relating range information of program numbers and group names, and separating information for separating each group name formed of program numbers.	claim 1, lines 9-11 claim 4 & see secondary reference

The above claims are obvious because although the partitioning ability provided by the "claimed separating information" is not found in the above patent, such is taught by the Matsumoto et al reference, see the discussion with respect to the delimiters at col. 3 lines 5-9.

It would have been obvious to modify the base system of the above noted patent (claims 4/1 & 3/1) with the above teaching from Matsumoto, motivation is to permit easily recognizable data fields, and hence reduce confusion and processing time.

Art Unit: 2653

Response to Arguments

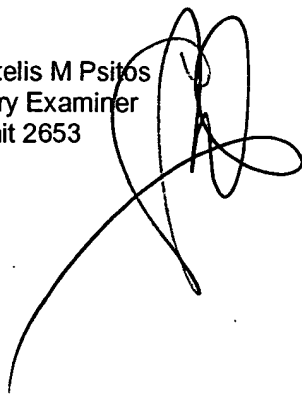
Applicant's arguments against this rejection are not considered persuasive. As interpreted by the examiner, the claim is drawn to a product – and hence any functionality – “for managing” is considered a desired result of the information inscribed on the record itself upon use in a playback device. Such capabilities are considered to follow upon playback of the disc as modified by the overall teaching from Matsumoto et al, i.e., the ability of having delimiters/partitioning information for appropriate character Strings for their inherent use.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M. Psitos whose telephone number is (571) 272-7594. The examiner can normally be reached on M-Thursday 8 - 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aristotelis M Psitos
Primary Examiner
Art Unit 2653

A handwritten signature in black ink, consisting of a large, stylized 'A' followed by a series of loops and a long horizontal stroke extending to the left.

AMP